



W.P.(MD) No.18115 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18115 of 2024

and

W.M.P.(MD) Nos.15463, 15465 and 20545 of 2024

G.S.Edwin

... Petitioner

/vs./

1.The District Revenue Officer,
Tuticorin.

2.The Tahsildar,
Tuticorin.

3.The District Registrar,
Thoothukudi.

4.The Joint I Sub Registrar,
Thoothukudi.

5.Samuel

6.Prathap Singh

7.Jenita

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.D6/104240/2022, dated 18.08.2023 and quash the same and consequently direct the 1st respondent to rectify the error crept during UDR in the revenue records and direct the 2nd respondent to issue patta in the name of the petitioner and his brothers namely G.S.Ashokar, G.S. Thangaraj, G.S.Esa, G.S. Jacob with respect to S.No.113/2, measuring 1.30 acres situated in Sankaraperi Village, Thoothukudi Taluk and District within the time fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar

For R1 to R4 : Mr.P.Thambidurai
Government Advocate

For R5 : Mr.S.Sivathilakar

For R6 & R7 : Mr.G.Prabhu Rajadurai

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.D6/104240/2022, dated 18.08.2023, quash the same and consequently direct the first respondent to rectify the error crept during UDR in the revenue records and direct the second respondent to issue



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patta in the name of the petitioner and his brothers, namely G.S.Ashokar, G.S. Thangaraj, G.S.Esa and G.S. Jacob in respect of the property in S.No.113/2, measuring an extent of 1.30 acres situated in Sankaraperi Village, Thoothukudi Taluk and District.

2. The entire controversy revolves around the fact as to whether the name of Gnanamani entered in the UDR refers to the fifth respondent's father or whether it is a mistake and should be read as Gnanamuthu Nadar, the father of the petitioner's father.

3. The petitioner's contention is that the property in S.No.113/2, measuring an extent of 1.30 acres, in Sankaraperi Village, Thoothukudi Taluk belonged to his father, G.Samuel Nadar, S/o.Gnanamuthu Nadar. He had purchased the same under a registered sale deed dated 04.01.1965. The petitioner's father had died intestate on 07.03.1986 leaving behind him surviving the petitioner and his siblings. The sisters had executed the release deed in favour of their brothers and the petitioner and his brother were in joint possession and enjoyment of the same.



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4. While so, one of the brothers, namely G.S.Thangaraj, had filed a suit O.S.No.53 of 1995 for partition before the Sub Court, Thoothukudi which was decreed and a final decree had been passed on 27.04.2012. The property was divided equally with each of them getting an extent of 26 cents. It is at this point in time that the error in the UDR had been taken note of.

5. The petitioner would contend that this is the mistake and it is his contention that taking advantage of the wrong entry of the fifth respondent's father's name in the UDR patta, fraudulent transactions were being done by the fifth respondent. Therefore, the petitioner had made an application to the first respondent, who after an enquiry had rejected the request directing the parties to go before the civil Court to decide as to whether it is the petitioner's grandfather's name, which has been wrongly mentioned in the UDR patta or whether it was the name of the fifth respondent's grandfather. The first respondent had stated that this issue can only be decided by the civil Court and has relegated the parties to the Civil Court. Challenging the same, the petitioner is before this Court.

6. Heard the learned counsel on either side.



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7. As rightly held by the first respondent, it is only the civil Court that can decide the question of title, which includes deciding the correctness of the entry of the name in the records. The parties would be able to submit the evidence before the civil Court, which is a competent forum for deciding the same.

8. For the aforesaid reasons, I see no reason to interfere with the impugned order. Consequently, the Writ Petition stands dismissed. No costs. Connected Miscellaneous Petitions are also closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

24.10.2024

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To

1.The District Revenue Officer,
Tuticorin.

2.The Tahsildar,
Tuticorin.

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3.The District Registrar,
Thoothukudi.

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P.T.ASHA, J.

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